

1 ALLAYE CHAN LAW GROUP
2 Richard Allaye Chan, SBN: 176416
3 1000 G Street, Suite 220
4 Sacramento, CA 95814
5 Tel: (916) 446-4400
6 Fax: (916) 446-5514
7 Email: info@allayechan.com

8 Attorney for Debtors
9 JEFFREY SCOTT NEITHERCUTT &
10 BECKY LYDIA NEITHERCUTT

11 UNITED STATES BANKRUPTCY COURT
12
13 EASTERN DISTRICT OF CALIFORNIA

14 In re:	Case No.: 15-27566-C-13C
15 JEFFREY SCOTT NEITHERCUTT &	In Chapter 13
16 BECKY LYDIA NEITHERCUTT,	Mtn. Ctrl. No.: RAC-1
17	MOTION TO VALUE COLLATERAL
18	OF CRHMFA HOMEBUYERS FUND
19 Debtors.	Date: November 24, 2015
	Time: 2:00 p.m.
	Ctrm: 33
	Dept: C

20 **MOTION**

21 The motion of JEFFREY SCOTT NEITHERCUTT & BECKY LYDIA NEITHERCUTT, Debtors
22 and petitioners herein, respectfully represents:

- 23 1. Petitioners are the Debtors in Chapter 13 in the above-captioned bankruptcy case, having filed
24 their petition for relief on September 28, 2015.
- 25 2. This motion is brought pursuant to 11 U.S.C. §506(a) and (d) and Bankruptcy Procedure 3012.
- 26
- 27
- 28

1 3. The Debtors request the court to value collateral held by creditor, CRHMFA HOMEBUYERS
2 FUND, as security for the purpose of fixing the amount of the creditor's secured and unsecured claims on
3 this obligation.

4 4. On or around January of 2012, Debtors entered into an agreement with CRHMFA
5 HOMEBUYERS FUND for the purpose of completing energy upgrades on their real property located at
6 958 K Street, Davis, CA 95616. As shown in the CHF Loan and Security Agreement (and Grant), the
7 collateral of the loan consisted of the following items: Lennox 2.5 to A/C = xc14-030 Coil=LC23, 37Y9BG
8 Furnace = G61 MPV-36B-07 1 UPFLOW; 16 seer 13 eer 95% afue 2 heat. 1 coll Thermostat Vision Pro
9 8000 ARI=3333946; Panel 14xSchuco USA Model MPE 235 PS 09; Inverters Area 1 1 SMA Amenca
10 Model SB4000us; 40 Gallon State GS6 40 OCT Water heater (hereinafter referred to as "Collateral). See
11 Exhibit "A", a true and correct copy of CHF Loan and Security Agreement (and Grant).

12 5. The collateral is currently encumbered with a secured lien in the amount of \$51,058.00.

13 6. At the time the filing of the petition the collateral had a collective value of \$4,980.00. Said value
14 is based on today's market, and the Debtors' personal knowledge of the condition of the collateral. See
15 Exhibit "B", a true and correct copy of Schedule B listing individual value of collateral.

16 WHEREFORE, Debtors and Petitioners herein respectfully request an order that the value of the
17 collateral held by creditor, CRHMFA HOMEBUYERS FUND, be valued at \$4,980.00 and that the
18 remainder of the claim be paid as an unsecured claim pursuant to the Chapter 13 Plan.

19 DATED: October 21, 2015

20 By: /s/ Richard Allaye Chan, Jr.
21 Richard Allaye Chan, Jr.